

HOUSE BILL NO. 210

INTRODUCED BY K. PETERSON

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE QUALIFICATIONS, APPOINTMENT, REAPPOINTMENT, AND REPLACEMENT OF MEMBERS, AUXILIARY MEMBERS, AND THE PRESIDING OFFICER CHAIRPERSON OF THE BOARD OF PARDONS AND PAROLE; AMENDING SECTION 2-15-2302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-2302, MCA, is amended to read:

**"2-15-2302. Board of pardons and parole -- composition -- allocation -- quasi-judicial.** (1) There is a board of pardons and parole.

(2) The board consists of three members and four auxiliary members, ~~each of whom. One board member and one auxiliary member,~~ EACH OF WHOM must have knowledge of American Indian culture and problems gained through training or experience, or both, as required by rules adopted by the board. Members of the board, including the auxiliary members, must possess academic training that has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. ~~Related~~ A MINIMUM OF 5 YEARS OF RELATED work experience in the areas listed may be substituted for these educational requirements. ~~The presiding officer CHAIRPERSON of the board must be an attorney licensed in Montana, IF PRACTICABLE.~~

(3) An auxiliary member shall attend any meeting that a regular board member is unable to attend, and at that time, the auxiliary member has all the rights and responsibilities of a regular board member.

(4) Board members and auxiliary members shall each serve one staggered 4-year terms term but may be reappointed as provided in this subsection. ~~The governor shall appoint one member and two auxiliary members in January of the first year of the governor's term, one member and one auxiliary member in January of the second year of the governor's term, and one member and one auxiliary member in January of the third year of the governor's term. THE GOVERNOR SHALL APPOINT ONE MEMBER AND TWO AUXILIARY MEMBERS IN JANUARY OF THE FIRST YEAR OF THE GOVERNOR'S TERM, ONE MEMBER AND ONE AUXILIARY MEMBER IN JANUARY OF THE SECOND YEAR OF THE GOVERNOR'S TERM, AND ONE MEMBER AND ONE AUXILIARY MEMBER IN JANUARY OF THE THIRD YEAR OF THE~~



1 ~~GOVERNOR'S TERM. The governor shall appoint the presiding officer~~ CHAIRPERSON at the beginning of the term of  
2 ~~the member appointed as presiding officer~~ CHAIRPERSON. The governor may not replace the ~~presiding officer~~  
3 ~~CHAIRPERSON, a member, or an auxiliary member during any of their respective terms, except for cause. When~~  
4 ~~appointing a presiding officer~~ CHAIRPERSON, member, or auxiliary member, the governor shall consider, first and  
5 foremost, the experience of an individual who is serving on the board and has applied for reappointment to the  
6 board, but the governor shall also consider the experience of a past member of the board even though the  
7 individual no longer serves on the board.

8 (5) The terms of board members and auxiliary members run with the position, and if a vacancy occurs,  
9 the governor shall appoint a person to fill the unexpired portion of the term.

10 (6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.  
11 However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

12 (7) The board, including the auxiliary members, is designated as a quasi-judicial board for purposes of  
13 2-15-124, except board members must be compensated as provided by legislative appropriation and the terms  
14 of board members must be staggered as provided in subsection (4).

15 (8) The provisions of 2-15-124(2) do not apply to the board."  
16

17 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.  
18

19 NEW SECTION. Section 3. Applicability. [This act] applies to a member, auxiliary member, or  
20 ~~presiding officer~~ CHAIRPERSON of the board of pardons and parole appointed after [the effective date of this act].  
21

- END -